UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

In Re: : Chapter 13

Calvin D. Delp, Jr. : JUDGE <u>CALDWELL</u> Constance L. Delp : Case No. <u>12-54622</u>

:

MOTION TO MODIFY CHAPTER 13 PLAN

Now come Debtors, Calvin D. Delp, Jr. and Constance L. Delp, by and through counsel, Courtney A. Perdue, and hereby requests this Court enter an Order modifying their Chapter 13 plan. Support for the Motion is set forth below.

MEMORANDUM IN SUPPORT

The Debtors' Chapter 13 plan was confirmed on August 7, 2012 and called for payments to the Trustee in the amount of \$800.00 per month for the remainder of the plan, but not to exceed 5 years, until the plan is complete. The general unsecured dividend is 1%.

The Debtors are requesting such modification because Mr. Delp was injured at work and is only receiving worker's compensation benefits. Debtors propose to modify their Chapter 13 Plan to lower the payment to \$600.00 per month for six (6) months starting in September 2012, then \$850.00 for the remainder of the plan. Debtors do not seek to decrease the dividend to the unsecured creditors nor do they believe that the payment modification will violate the provisions of 11 U.S.C. \$1322(d) regarding plan length. Pursuant to LBR 3015-2(b)(5) an amended Schedule I and J are attached hereto respectively.

Accordingly, the Debtors request this Court enter an order modifying the plan to lower the payment to \$600.00 per month for six (6) months starting in September 2012, then \$850.00 for the remainder of the plan. All other terms of the confirmed plan shall remain unchanged.

Respectfully submitted,

/s/ Courtney A Perdue
Courtney A Perdue (0082136)
Attorney for Debtor
610 S. Third St.
Columbus, OH 43206
(614) 228-4435
(614) 228-3882 fax
courtneyperdue.law@gmail.com

NOTICE AND CERTIFICATE OF SERVICE

The undersigned will present to the Court a proposed order granting the relief sought unless, within twenty-one (21) days after this date, a written memorandum in opposition, and request for a hearing on such opposition, is filed with the Court and served on the undersigned. The undersigned certifies that a copy of the foregoing Motion was served, pursuant to Local Bankruptcy Rules "LBR") 9013-3(b) and 3015-2(b) this 13th day of September, 2012,

by Electronic Notification to the following:

- Asst US Trustee (Col) ustpregion09.cb.ecf@usdoj.gov
- Brian M Gianangeli bgianangeli@mifsudlaw.com
- Frank M Pees trustee@ch13.org

Or regular U.S. mail to the following:

Debtors:

Calvin & Constance Delp 1061 Strimple Avenue Columbus, Ohio 43229

Creditors:

See attached matrix

/s/ Courtney A. Perdue
Courtney A. Perdue (0082136)
Attorney for Debtor
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Case 2:12-bk-54622 Doc 29 Filed 09/13/12 Entered 09/13/12 11:09:11 Desc Main Document Page 3 of 6

B6I (Official Form 6I) (12/07)						
	Calvin D Delp, Jr.					
In re	Constance L Delp		Case No.	2:12-bk-54622		
		Debtor(s)	<u>=</u> '			

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS	DEPENDENTS OF DEBTOR AND SPOUSE				
	RELATIONSHIP(S):	AGE(S	GE(S):			
Married	Father	-				
	Daughter (college)		0			
Employment:	DEBTOR		SPOUSE			
Occupation	Patient Transporter		ed Hair Stylist			
Name of Employer	OSU East Hopsital	None				
How long employed	6 yrs	since 1/2012	2			
Address of Employer	1492 E. Broad Street Columbus, OH 43206					
	e or projected monthly income at time case filed)		DEBTOR		SPOUSE	
	, and commissions (Prorate if not paid monthly)	\$	0.00	\$	0.00	
2. Estimate monthly overtime		\$	0.00	\$ _	0.00	
3. SUBTOTAL		\$	0.00	\$_	0.00	
4. LESS PAYROLL DEDUCT	IONS					
 Payroll taxes and social 	security	\$	0.00	\$	0.00	
b. Insurance		\$	0.00	\$	0.00	
c. Union dues		\$	0.00	\$	0.00	
d. Other (Specify):		\$	0.00	\$	0.00	
-		\$	0.00	\$ _	0.00	
5. SUBTOTAL OF PAYROLL	DEDUCTIONS	\$	0.00	\$	0.00	
6. TOTAL NET MONTHLY T	AKE HOME PAY	\$	0.00	\$	0.00	
	on of business or profession or farm (Attach detailed sta	stement) \$	0.00	\$	1,587.00	
8. Income from real property		\$	0.00	\$	0.00	
9. Interest and dividends		\$	0.00	\$	0.00	
dependents listed above	upport payments payable to the debtor for the debtor's us	se or that of \$	0.00	\$	0.00	
11. Social security or governme		Φ.	040.00	¢.	0.00	
	Social Security	\$	940.00	> _	0.00	
12. Pension or retirement incon	Compensation Income	\$ \$	1,500.00) –	0.00	
	ie	\$	0.00	» —	0.00	
13. Other monthly income (Specify):		¢	0.00	Ф	0.00	
(Specify).			0.00	\$ -	0.00	
			0.00	φ <u> </u>	0.00	
14. SUBTOTAL OF LINES 7	THROUGH 13	\$	2,440.00	\$	1,587.00	
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)			2,440.00	\$	1,587.00	
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)			\$	4,027	.00	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document: **None**

Case 2:12-bk-54622 Doc 29 Filed 09/13/12 Entered 09/13/12 11:09:11 Desc Main Document Page 4 of 6

B6J (Official Form 6J) (12/07) Calvin D Delp, Jr.

	Calvin D Delp, Jr.		
In re	Constance L Delp	Case No.	2:12-bk-54622

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

expenses calculated on this form may differ from the deductions from income anowed on Form 22A of 2.	2C.	
☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complex expenditures labeled "Spouse."	ete a separa	te schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	0.00
	· —	
a. Are real estate taxes included? b. Is property insurance included? Yes NoX		
2. Utilities: a. Electricity and heating fuel	\$	250.00
b. Water and sewer	\$	50.00
c. Telephone	\$	75.00
	\$	0.00
d. Other 3. Home maintenance (repairs and upkeep)	\$	30.00
4. Food	\$	577.00
5. Clothing	\$	50.00
6. Laundry and dry cleaning	\$	30.00
7. Medical and dental expenses	\$	60.00
8. Transportation (not including car payments)	\$	275.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	0.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	50.00
b. Life	\$	0.00
c. Health	\$	0.00
d. Auto	\$	85.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)		
(Specify) Property Tax	\$	180.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the		
plan)		
a. Auto	\$	0.00
b. Other	\$	0.00
c. Other	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	870.00
17. Other Personal care/haircuts	\$	45.00
Other Father's Medical and Living Expenses	\$	800.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and,	\$	3,427.00
if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	· 	
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year		
following the filing of this document:		
None		
20. STATEMENT OF MONTHLY NET INCOME	ı	
a. Average monthly income from Line 15 of Schedule I	\$	4,027.00
b. Average monthly expenses from Line 18 above	\$	3,427.00
c. Monthly net income (a. minus b.)	\$	600.00
	Ψ	333.00

Case 2:12-bk-54622 Southern District of Ohio Columbus

Thu Sep 13 11:02:03 EDT 2012

American InfoSource LP as agent for InSolve Recovery LLC PO Box 269093

Oklahoma City OK 731269093

Asst US Trustee (Col) Office of the US Trustee 170 North High Street Suite 200 Columbus, OH 43215-2417

Collection 4200 International Pkwy Carrollton, TX 75007-1912

Enhanced Recovery Corp Attention: Client Services 8014 Bayberry Rd Jacksonville, FL 32256-7412

Franklin County Treasurer 373 S. High St., 17th Floor Columbus, OH 43215-4591

Jerry Townsend 331 N. Galena Road Sunbury, OH 43074-9591

Natautoacpt Po Box 06095 Columbus, OH 43206-0095

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Cars for Less 5240 Sinclair Road Columbus, OH 43229-5419

Crd Prt Asso Attn: Bankruptcy Po Box 802068 Dallas, TX 75380-2068

Ffcc-columbus Inc 1550 Old Henderson Rd St Columbus, OH 43220-3626

Gracerecovry 8346 Tyler Bv Mentor, OH 44060-4221

Keith A Miller 2935 Perdue Avenue Columbus, OH 43224-4559

National Credit Services 17704 134th Ave NE Woodinville, WA 98072-4605

Nuvell Credit Company c/o Ally Financial LLC PO Box 130424 Roseville, MN 55113-0004

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Attn: Kovacks Ste. 20

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City of Columbus City Income Tax Division 50 W. Gay St., 4th Floor Columbus, OH 43215-9037

Department of the Treasury Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346

Fifth Third Bank Fifth Third Bank Bankruptcy Department, 1830 East Paris Ave. Se Grand Rapids, MI 49546-6253

Jefferson Capital Systems LLC PO BOX 7999 SAINT CLOUD MN 56302-7999

Law Offices Of Charles Mifsud 326 S High Street # 201 Columbus, OH 43215-4522

National Recovery Agen 2491 Paxton St Harrisburg, PA 17111-1036

Ohio Department of Taxation P.O. Box 182401 Columbus, OH 43218-2401

Palisades Collection LLC P.O. Box 1244 Englewood Cliffs, NJ 07632-0244

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Entered 09/13/12 11:09:11 Desc Main

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Rim Acq Llc 575 Underhill Blvd. Suite 224

Syosset, NY 11791-3416

Kirkland, WA 98083-0788

Rjm Acquisitions Llc 575 Underhill Blvd, Suite 224

Syosset, NY 11791-4437

Rutherford Funeral Homes 2382 N. High Street

Columbus, OH 43202

Tandem QCA Income Partners dba Lockbourne Lodge 10610 Ashville Pike Lockbourne, OH 43137-9668

US Department of Education

P.O. Box 4169

Greenville, TX 75403-4169

United Collect Bur Inc 5620 Southwyck Blvd Ste Toledo, OH 43614-1501

Verizon North P.O. Box 920041 Dallas, TX 75392-0041 Wfnnb/tsa

Attention: Bankruptcy

Po Box 182685

Columbus, OH 43218-2685

Wynona Holdings Inc 1925 E. Dublin-Granville Rd. 103 Columbus, OH 43229-3543

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Courtney A Perdue Fesenmyer Law Office 610 S. Third Street Columbus, OH 43206-1026

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(u)Ohio State University

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